

State of California
California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:

Yucaipa Valley Water District)	Complaint No. R8-2007-0029
2770 Second Street)	for
Yucaipa, California 92399)	Mandatory Penalties

YOU ARE HEREBY GIVEN NOTICE THAT:

1. The Yucaipa Valley Water District (YVWD) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (Board), must impose mandatory penalties pursuant to California Water Code (Water Code) Sections 13385 (h) and (i).
2. A hearing concerning this complaint will be held before the Board within 90 days of the date of issuance of this complaint, unless YVWD waives its right to a hearing. If the hearing in this matter is not waived, the hearing will be held during the Board's regular meeting on November 30, 2007 at the Irvine Ranch Water District, Irvine, California. YVWD or its representatives will have an opportunity to appear and be heard and contest the allegations in this complaint and the imposition of mandatory penalties by the Board. An agenda announcement for the meeting and the staff report pertaining to this item will be mailed to you not less than 10 days prior to the hearing date.
3. This complaint is based on the following facts:
 - a. On June 1, 2001, the Board adopted Waste Discharge Requirements, Order No. R8-2001-0009, NPDES No. CA0105619, for YVWD. These requirements regulated discharges of waste from the Henry N. Wochholz Municipal Wastewater Treatment Plant (HNWMWTP).
 - b. YVWD submitted self-monitoring reports (August 2004 through June 2005) for the HNWMWTP, which show effluent limit violations of coliform, chlorine residual, TIN, pH, and turbidity.

These violations are summarized on Attachment "A", which is Page 3 of this complaint.

4. Water Code Sections 13385 (h) and (i) require the Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious and/or chronic violation that occurs four or more times in any period of six consecutive months, except the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations that occur

following any six-month violation free period, provided that they are not serious violations as described below. A violation is considered to be a "serious violation" if an effluent limitation for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, is exceeded by 20% or more, or if an effluent limitation for a Group I pollutant, as specified in Section 123.45 of Title 40 of the Federal Regulations, is exceeded by 40% or more.

5. As shown in Attachment "A", YVWD incurred a total of fifty (50) violations between August 2004 and June 2005. Many of these violations are not serious violations. However, since YVWD incurred more than three violations during the 6-month period prior to August 2004, and there were no 6-month periods between August 2004 and June 2005 when YVWD had fewer than four violations, all of these violations are subject to mandatory penalty assessments. In accordance with Water Code Section 13385 (i), the mandatory minimum penalty for the violations cited in Attachment "A" is \$150,000.
6. In accordance with Water Code Section 13385(c), the Board may impose administrative civil liability for the fifty violations cited in Attachment "A". The maximum administrative civil liability that may be imposed for these violations is \$500,000 (\$10,000 per day per violation), plus an additional assessment of \$10 per gallon of effluent discharged during the duration of the violation episode, in excess of the first 1,000 gallons of effluent.
7. The Executive Officer proposes that mandatory penalties of \$150,000 be imposed on YVWD by the Board for the violations cited above.
8. YVWD has indicated that it wishes to wave its right to a hearing in this matter. YVWD has also agreed to participate in a supplemental project (SEP) that will benefit the Dunlap Channel Urban Streams Project in the City of Yucaipa. The proposed SEP is to contribute \$75,000 of the assessed liability to this SEP. The balance of the assessment (\$75,000) shall be paid to the State Water Resources Control Board.

If you have any questions regarding this complaint, please contact the undersigned, at (951) 782-3284, or Gary D. Stewart, Compliance Section Chief at (951) 782-4379.

10-9-07
Date


Gerard J. Thibeault
Executive Officer

ATTACHMENT "A"

Month	Violations						No. of Violations	Violations subject to penalty ¹
	Average Weekly limitations of 2.2 MPN/100 ml	Daily Average >23 MPN	Turbidity	Chlorine Residual	TIN	PH Low: 6.5 High: 8.5		
August, 2004	3						3	3
September, 2004	1						1	1
October, 2004	2						2	2
November, 2004	3						3	3
December, 2004	1		2	1			4	4
January, 2005	5	1	1		1		8	8
February, 2005	4	1			1		6	6
March, 2005	4	1			1		6	6
April, 2005	5				1		6	6
May, 2005	4			1	1	1	7	7
June, 2005	3				1		4	4
Total Violations	35	3	3	2	6	1	50	50

NOTES:

¹ See Water Code Section 13385(i).

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WAIVER OF HEARING

I agree to waive the right of Yucaipa Valley Water District (YVWD) to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2007-0029. I have enclosed a check made payable to the State Water Resources Control Board in the amount of \$75,000 for part of the amount of the proposed penalty specified in Paragraph 7 of Complaint No. R8-2007-0029. I also agree to participate in a supplemental environmental project (SEP) for the balance of the proposed penalty. For the SEP, YVMD proposes to contribute to the Dunlap Channel Urban Streams Project. A check in the amount of \$75,000 made payable to the City of Yucaipa is also enclosed for this SEP.

I understand that I am giving up the right of YVWD to be heard and to argue against allegations made by the Executive Officer in Complaint No. R8-2007-0029, and against the imposition of, and amount of, the mandatory penalty.

Date

for Yucaipa Valley Water District